

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**KEITH ORI, et al.,
Plaintiffs,**

v.

Case No. 08-CV-00432

**FIFTH THIRD BANK, et al.,
Defendants.**

ORDER

On January 3, 2012, Keith Ori, the representative plaintiff in this class action, by and through Co-Lead Settlement Class Counsel served Michael Gatto, an objector to the class settlement, with a subpoena for a deposition. The subpoena was issued by the United States District Court for the Northern District of Ohio, and the deposition is noticed for January 6, 2012 in Cleveland, Ohio. On January 4, 2012, Gatto filed a motion with this court to quash the subpoena. Pursuant to Fed. R. Civ. P. 45(a)(2), a subpoena for attendance at a deposition must issue from the court for the district where the deposition is to be taken. The Advisory Committee comments for the 1991 amendments to Rule 45 further clarify that, “[A] motion to quash such a subpoena if it overbears the limits of the subpoena power must . . . be presented to the court for the district in which the deposition would occur.” As a result, I lack the authority to quash the subpoena. This motion should be filed with the court for the Northern District of Ohio.

THEREFORE, IT IS ORDERED that Michael Gatto’s motion to quash the subpoena [DOCKET #211] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 5th day of January 2012.

s/_____
LYNN ADELMAN
District Judge